

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Takayasu TANIGUCHI et al.**

Art Unit: **3761**

Application Number: **10/552,152**

Examiner: **Melanie Jo Hand**

Filed: **October 7, 2005**

Confirmation Number: **9203**

For: **WATER-ABSORBING RESIN COMPOSITION**

Attorney Docket Number: **053170**

Customer Number: **38834**

DECLARATION UNDER 37 C.F.R. §1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Masayoshi HANDA, a citizen of Japan, hereby declare and state the following:

1. I graduated from Kanazawa University of Japan in 1994 with a Master's degree in natural science and technology, majoring in material chemistry.
2. Since 1994, I have been employed by Sumitomo Seika Chemicals, Co., Ltd. of Japan where I have been assigned to Super Absorbent Polymers Research Laboratory. My present title is Research Associate. During my employment therein, I have been involved in the research and development of water-absorbent resin since 1998.
3. I am a named Inventor in the following U.S. patent applications: US2005-0085604A; US2006-0074160A; US2007-0111004A; US2008-0119808A; and US2008-0280154A.
4. I am a co-inventor of the above-identified patent application and am familiar with the Official Action dated December 28, 2009 in the application.

5. I have read and am familiar with the contents of Niki et al (JP 2003-052746) (hereinafter "Niki") and Keyes et al. (US 4,200,238) (hereinafter "Keyes") which have been cited in the Official Actions in the above-identified application.

6. I have reviewed Niki which conveys to a skilled artisan that a sheet 7 is comprised of separate layers, including a deodorizing layer 8 which separates an antibacterial layer 9 and a chelating layer 10. These multiple layers forming the sheet 7 are wrapped around the absorbent core 4.

7. Niki further conveys to the skilled artisan that by disposing the chelating layer 10 on the deodorizing layer 8 independent from the deodorizing layer 8 and the antibacterial layer 9 without contaminating each other, the deodorizing effect and the antibacterial effect are improved because proliferation of bacteria which occurs on the side of the top sheet rather than on the side of the deodorizing layer 8 can be prevented and a rough dry skin preventing effect may be enhanced.

8. Based on the above teachings of Niki a skilled artisan clearly understands that Niki is teaching toward the antibacterial agent, the metal chelating agent and the superabsorbent polymer as separate elements which do not coexist in one place in the absorbent article.

9. There are no disclosures within Niki, Keyes or the general knowledge of the absorbent resin art which prompt a skilled artisan to modify Niki in such a manner as to combine the antibacterial agent, the metal chelating agent and the superabsorbent polymer.

10. Niki clearly teaches that the antibacterial agent, the metal chelating agent and the superabsorbent polymer are to be separated. Paragraphs [0007] and [0015] to [0017] clearly

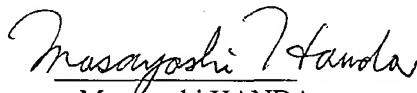
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teach away from the combining of the above elements into one layer. Specifically, for a skilled artisan to do so would require acting contrary to the clear teachings of Niki. As such, there is no manner whereby a skilled artisan would be prompted to combine the elements of Niki into a mixture.

11. Based on the above, a skilled artisan would not be able to derive the presently claimed invention at least as set forth in parent claim 1 based on the combined teachings of Niki and Keyes as well as the general knowledge of the absorbent resin art.

The undersigned declares that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.


Masayoshi HANDA

Signed this 25 day of June, 2010.